

Exhibit A

1 Ryan C. Bundy
 2 ID No. 79400-065
 3 Nevada Southern Detention Hearing
 4 2190 Ease Mesquite Avenue
 5 Pahrump, Nevada 89060
 6 Pro Se

7 UNITED STATES DISTRICT COURT
 8 FOR THE DISTRICT OF NEVADA
 9 SOUTHERN DIVISION

FILED	ENTERED	RECEIVED
		SERVED ON
COUNSEL/PARTIES OF RECORD		
APR 24 2017		
CLERK US DISTRICT COURT		
DISTRICT OF NEVADA		
BY:	DEPUTY	

10 RYAN C. BUNDY,
 11 Plaintiff,
 12 Vs
 13 UNITED STATES OF AMERICA, INC.,
 14 Serve: Address

15 CORECIVIC,
 16 Serve: Address

17 CHARLOTTE COLLINS,
 18 Serve: Address

19 JOHN AND JANE DOES 1 THROUGH 15
 20 Serve: Address

21 Defendant.

2:17-cv-01127-JAD-GWF

22 **BIVENS CLAIM**
DEPRIVATION OF CIVIL RIGHTS
COMMITTED BY FEDERAL ACTORS
ORIGINAL COMPLAINT

23 **COMES NOW**, Pro Se Plaintiff Ryan C. Bundy (hereinafter "Bundy" or "Plaintiff") and
 24 files this Original Complaint against CoreCivic and Corrections Corporation of America
 25 (collectively hereinafter "CoreCivic"), John and Jane Does 1 through 15, Charlotte Collins and the
 26 United States of America, Inc.. In furtherance thereof, Plaintiff incorporates his Motion for
 27 Preliminary Injunction and Personal Declaration of Ryan C. Bundy and states the following:
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L. NATURE OF THE COMPLAINT

1. This is a civil action brought pursuant to 42 U.S.C. § 1983, under *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971), seeking damages against Defendants for their unlawful acts, omissions, customs, practices and unwritten policies ratified by chief policy maker at Nevada Southern Detention Center (hereinafter “NSDC”), and the United States of America, Inc., (hereinafter “Government”); and the intentional acts and omissions committed by individual Doe Defendants under the color and authority of federal law, which deprived Bundy of his constitutional rights secured under the Constitution and laws of the United States of America. In addition, this action seeks emergency and permanent injunctive and declaratory relief against Defendants.

JURISDICTION

2. Jurisdiction exists in this case pursuant to the First, Fourth, Fifth, Eighth and Fourteenth Amendments of the Constitution of the United States Constitution, 42 U.S.C. § 1985 and § 1988, and 28 U.S.C. §1331, § 1343, § 2202; and pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388, 91 S. Ct. 1999, 29 L. Ed. 2d 619 (1971);
 3. This Court has pendent and supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.
 4. Venue is proper in this jurisdiction pursuant to 28 U.S.C. § 1391, because the events underlying this action occurred within the jurisdiction of the United States District Court for the Southern District of Nevada.

III. PARTIES

5. Plaintiff, Ryan C. Bundy, is a forty-four year old man living on the land known as the state of Nevada; happily married with eight healthy children. His family has owned the Bundy Cattle Ranch in Bunkerville, Nevada since 1877. Presently, Mr. Bundy is a pre-trial detainee at NSDC located in Pahrump, unlawfully held under a pretextual and unmeaningful detention hearing in the United States District Court for the District. The federal charges are in the Superseding Indictment(See Case No. 2:16-cr-00046 at Doc 27) are incoherent,

1 multifarious in nature; and at best an ambush supported by the District Court to baffle a jury
 2 of Bundy's peers with [*&%\$]. The Government filed this purported lawful indictment on
 3 or around March 2, 2016.

- 4
- 5 **6. Defendant Charlotte Collins**, at all times relevant hereto, serves in the capacity of the
 Warden at NSDC. Collins is employed by CoreCivic, a/k/a Corrections Corporation of
 America. Collins is the chief policy maker at NSDC and is sued in her individual and
 official capacities.
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 - 8 **7. CoreCivic, a/k/a Corrections Corporation of America**, is a privately owned Corporation
 which offers full-service corrections management providers, specializing in the design,
 construction, expansion and management of prisons, jails and detention facilities.
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 - 10 **8. Defendant, UNITED STATES, INC.**, at all times relevant herein, employs many
 agencies, including the United States Marshal's Service (hereinafter "USMS,") which is the
 government entity/agency responsible for the custody of Ryan C. Bundy, at all times relevant
 herein; while Bundy has been housed at the NSDC facility. The USMS has, and continues to
 conspire with CoreCivic and the Department of Justice to violate Plaintiff Bundy's and other
 pre-trial detainees' statutory and constitutional rights by and through their relationships¹ with
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18 ¹ Note: Since 1789, the U.S. Marshall Service has been and continues to be the enforcement
 19 arm of the federal courts. The USMS manages contracted security services inside federal court
 20 facilities which are funded by the judicial branch's court appropriation. The agency oversees the
 21 daily operations and management of security services. Additionally, the USMS is responsible for
 22 the care and custody of federal prisoners from the time they are arrested by a federal agency (or
 remanded by a judge), until they are acquitted, committed to their designated Federal Bureau of
 Prisons institution, or otherwise ordered released from the Marshals custody. Further, the Marshals
 provide housing, medical care, and transportation to federal prisons throughout the U.S and its
 territories, and escorts prisoners to and from court appearances.

23 Moreover, the USMS does not own or operate prison detention facilities; instead it partners
 24 with state and local governments to house approximately sixty three percent (63%) of its prisoners.
 25 Additionally, the USMS houses approximately eighteen percent (18%) of its prisoner population in
 26 private detention facilities, and approximately eighteen percent (18%) in Federal Bureau of Prisons
 facilities. At all times relevant herein, all defendants associated with Criminal Action No. 2:16-cr-
 0046 are being housed at NSDC which is a private detention facility owned and operated by
 CoreCivic, a/k/a Corrections Corporation of America.

27 The Lloyd D. George U.S Federal Courthouse is the division headquarters of the USMS
 28 located at 333 Las Vegas Boulevard South, Suite 2058, Las Vegas, NV 89101, (702) 388-6286.
 Defendant Doe of USMS is either the chief policy maker and/or implements the policies of the

1 Defendant contractors and the contract for prison services between defendants USMS and
 2 CORECIVIC.

3. **Defendant John and Jane Does (hereinafter referred as “Doe Defendants” or “Does”)**
 4 at all times relevant herein, are citizens of the United States, and were acting under color of
 5 federal law in their capacity as privately contracted correction officers employed by
 6 CoreCivic, or some other presently unknown contractor who performs services for USMS.
 7 Defendant Doe’s also provide supervisory leadership, among other things, on behalf of
 8 Defendant Warden Collins and other Defendant Doe’s at the USMS. The true names and
 9 capacities of each John and Jane Does are presently unknown; hence Plaintiff sues
 10 Defendants Doe’s by such fictitious name and will move for leave to amend this Complaint
 11 to add his or her true names when the same has been ascertained. At all times, Doe’s were
 12 acting as the agents, servants and employees of CoreCivic, and USMS under contract with
 13 the United States Marshal Services. Each Defendant Doe is sued in his or her individual and
 14 official capacity.

15. **Defendant David L. Harlow,** at all times relevant herein, has served as the Acting Director
 16 of the USMS from July 26, 2015 until February 20, 2016. Said title has expired in
 17 accordance with the Vacancies Reform Act.² Per the Attorney General’s request, Harlow
 18 continued to lead the USMS as Deputy Director during throughout the Presidency of Barack
 19 Obama.³

20. **At all times relevant herein, Defendant Stacia Hylton** served as the Director of USMS
 21 since January 2011, and was acting under the color of federal law. Defendant Hylton was
 22 forced into resigning her position in 2015 with the USMS. Congressman Chuck Grassley
 23 stated through reporting from a respected news outlet, *The Hill*:

25 USMS Director located in Washington D.C. [See *United States Marshal Services Website*]

26 ² In the event that Harlow is not the Acting Director after January 20th, 2017; Plaintiff intends to sue the Director under
 27 the name of Defendant John or Jane Doe.

28 ³ See <https://www.usmarshals.gov/contacts/bio/harlow.htm>

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2 "It [United States Marshal Services] has come under new pressure from
3 Congress in recent months, on the heels of separate revelations about
4 its secret use of surveillance devices that scoop up information from
people's cellphones and possible misconduct in hiring and spending money.
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6 Sen. Chuck Grassley (R-Iowa), the head of the Senate Judiciary Committee,
7 has been one of the most vocal critics of the apparent misuse of money and
employment quid pro quos within the agency, which sits under the umbrella
of the Department of Justice.
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9 "It's never good news when the head of an agency needs to step aside in the
midst of these kinds of allegations, and it also doesn't mean the
investigations are complete," he said in a statement on Tuesday, after the
announcement from the Marshals Service.
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11 "As the Marshals Service moves forward, the next director must be
12 committed to bringing real, positive change to what appears to be a culture
corroded by unethical hiring practices, misuse of funds and retaliation
against whistleblowers."
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14 Grassley's committee has begun an investigation into the possible abuse
which might continue past Hylton's tenure, he said."⁴
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16 12. Collectively, Director Harlow and Director Hylton are referred to as Director of United
17 States Marshal Services.
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IV. BACKGROUND

19 13. Ryan C. Bundy (hereinafter "Plaintiff" or "Bundy"), his (4) brothers⁵ and his father, Cliven
20 Bundy have been incarcerated in federal custody for over fifteen (15) months for federal
21 crimes, to which they all have maintained their innocence to. Bundy was acquitted on all
22 charges by the federal government in the District Court of Oregon on October 27, 2016;
23 similar to the charges in the United States District Court in Nevada. Immediately following
24 Bundy's acquittal in Portland, Oregon in late October of 2016; the U.S. Marshals Service
25 transported Ryan Bundy, his (5) brothers; and their father to Las Vegas, Nevada.
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27 ⁴ See <http://thehill.com/policy/national-security/244407-marshals-service-head-to-resign-on-heels-of-congressional-scrutiny>

28 ⁵ Ammon, Mel, David, and ?

14. From October 27, 2016 to approximately November 28, 2016, Defendant remained in federal custody in the state of Oregon against his will; or was otherwise transported to undisclosed federal facilities and states, where no charges were pending against Bundy or any other criminal defendant.

V. FACTS

15. Plaintiff Bundy, in the direct care custody and control of the USMS was transported to NSDC on or around December 1, 2016;

16. At all relevant times herein, Plaintiff Bundy has been a pre-trial detainee at the Nevada Southern Detention Center in Parhump, Nevada. [See Declaration of Ryan C. Bundy]

17. Defendant Doe's employed by CoreCivic and other facilities have forced Ryan Bundy and others into disciplinary segregation for approximately over 100 total days while they have been incarcerated at NSDC and in Oregon. Id.

18. At all times relevant herein, Plaintiff Bundy has been forced and threatened to undergo oppressive, intrusive, and unlawful body cavity searches multiple times per day where his clothing is removed, where his genitals are or would be exposed to Defendant Doe's during these multifarious and nonconsensual intrusions against his fourth, fifth, eighth and fourteenth amendment rights. Id.

19. To date, Plaintiff Bundy, while under duress, has experienced over (40) highly intrusive strip/body cavity searches by Defendant Does who are employed by CoreCivic at the NSDC federal prison facility. Id.

20. Plaintiff Bundy has been forced and threatened to bend over and expose his anus by spreading his buttock cheeks wide open while Defendant Doe's peer up into Mr. Bundy's rear body cavity hundreds of times while a pre-trial detainee housed at NSDC; and while unlawfully detained in Oregon; Id.

21. Even after visiting with attorneys who are officers of the court, Mr. Bundy is made subject to these degrading and humiliating searches, absent reasonable suspicion or probable cause that he committed, was committing, or intended to commit any crime or violate the NSDC rules

- 1 and regulations. Id.
- 2 22. On or around March 20, 2017, Plaintiff Bundy refused to undergo [any] further strip/body
3 cavity searches imposed upon his person by Doe Defendants. Id.
- 4 23. To date, Defendant Does continue to “punish” Plaintiff’s decision to refuse to be strip
5 searched/body cavity searched without notice or an opportunity to be heard by keeping him
6 locked down in disciplinary segregation for twenty four hours per day, with no opportunity
7 for meaningful daily exercise. Id.
- 8 24. Defendant Doe’s have offered to transport Plaintiff to a hearing on the issue of being
9 unreasonably strip/body cavity searched in violation of his constitutional rights; but threaten
10 under duress - the same punishment Plaintiff refuses to comply with to get Plaintiff in front
11 of the administrative body to hear the grievance. Id.
- 12 25. In so failing to accommodate Plaintiff’s fourth, fifth, eighth, thirteenth and fourteenth
13 amendment rights, Defendant Does are exercising deliberate indifference against Plaintiff
14 and others similarly situated *per se*.⁶ Id.
- 15 26. At all times relevant herein, Plaintiff Bundy has not received any disciplinary hearing
16 pertaining to the acts and omissions described herein. Id.
- 17 27. At all times relevant herein, Doe Defendants forced Plaintiff Bundy into disciplinary
18 segregation with no working toilet, no toilet paper, no pencil and paper; and no way to
19 prepare for his own defense against the Government. Id.
- 20 28. Defendant Does removed Bundy’s legal papers and other legal personal property including a
21 “thumb drive” with Bundy’s case law and research stored therein with no legitimate prison
22 safety objective or legal justification for so doing. Id.
- 23 29. Plaintiff has made earnest attempts to prepare himself for Case No.: 2:16cr046 with little to
24 no success due to the obstacles alleged *supra*. *Id.*
- 25 30. As of April 18, 2017, Plaintiff Bundy has been in “the hole” for approximately (40) days and

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27 ⁶ Note: Defendants have failed and refuse to make an accommodation for Plaintiff to obtain an administrative hearing
28 on the very same issue that bars his appearance; and in so doing Defendants are constructively and perpetually denying Plaintiff access and affording him no opportunity to be heard before the private contractor’s administrative body.

1 as of the filing of this lawsuit he has been locked down for 30 consecutive days with [no]
2 meaningful opportunity for meaningful exercise being provided to him. Id.

3 **31. Plaintiff Bundy is being unduly punished by Defendants named in this lawsuit.**

5 **THEORIES OF RECOVERY**

6 **COUNT I.**

7 **Bivens Claim**

8 Deprivation of Plaintiff's 5th and 8th Amendment Rights

9 Unconstitutional Conditions of Confinement,

10 (Plaintiff v. Doe Defendants in their individual capacities)

11 **32. Plaintiff hereby incorporates Paragraphs 1 through 31, and restates the same herein.**

12 **33. Plaintiff and others similarly situated are pre-trial detainees' at all relevant times herein.**

13 **34. Plaintiff and others are presumed innocent of any charges alleged by the defendants until
they are tried and proven guilty by a jury of their peers.**

14 **35. Plaintiff was previously tried under similar charges and facts by the Government in Portland
Oregon under 2:15-cr-00051; where plaintiff was acquitted⁷ on all charges.**

15 **36. Plaintiff Bundy has an unequivocal right to be free from punishment and slavery under the
4th, 5th, 8th, 13th and 14th amendments of the Constitution of the United States of America.**

16 **37. Plaintiff Bundy's right was clearly established at all relevant times herein.**

17 **38. Defendant Doe's acts and omissions were willful, intentional, reckless and deliberately
indifferent to Plaintiff's right to be free from punishment as a pre-trial detainee whom is
innocent until proven guilty.**

18 **39. Defendants knew or should have known that their acts and omissions would cause Plaintiff
Bundy to be constitutionally injured.**

19 **40. Defendants acts and omissions are the direct and proximate cause of Plaintiff's physical,
emotional, and constitutional injuries.**

20 **41. Plaintiff seeks actual and punitive damages against Defendants in their individual capacity in
the amount of \$5,000.000.00.**

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28 ⁷ Note: One of the charges ended in a hung jury 11-1. The government has not re-tried Plaintiff.

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2 **COUNT II.**
3 **Bivens Claim**
4 **Deprivation of Plaintiff's First Amendment Rights**
5 **Access to the Courts**
6 *(Plaintiff v. Doe Defendants in their individual capacity)*

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42. Plaintiff hereby incorporates Paragraphs 1 through 41, and restates the same herein.
43. At all times relevant hereto, Doe Defendants acts and omissions restricted Plaintiff and others from access to privileged legal communications with attorneys, assistance of counsel, legal visits from representatives of attorneys, legal documents, pencils and paper, timely service of court filings, adequate access to the law library, printer and internet access, to enable Plaintiff to manage his legal research for contemplating his defenses against Defendants.
44. Defendant Doe's restrictions, *supra*, are unconstitutional and amount to punishment⁸ against Plaintiff and others similarly situated.
45. Defendant Doe's purposefully instituted over-reaching egregiously intrusive strip search and body cavity searches for the purpose of causing⁹ Plaintiff and others to assert their fourth amendment rights; to not be strip searched and body cavity searched and for the purpose of thwarting Plaintiff and other pre-trial detainees access to the courts by knowing Plaintiff and others would direct their attorneys and legal representatives to not come to the facility so that Plaintiff and others can maintain their privacy, bodily integrity and dignity (and would not have to be punished by the repetitive strip searches and body cavity searches).
46. Defendant Doe's by and through their supervisors and directors, have purposefully committed acts and omissions with the express intent to inflict punishment on Plaintiff as

⁸ See Valdez v. Rosenbaum, 302 F.3d. 1039, 1045 (9th Cir.2002) ("Pretrial detainees have a substantive due process right against restrictions that amount to punishment.") (Citing United States v. Salerno, 481 U.S. 739, 746 (1987); Bell v. Wolfish, 441 U.S. 520, 535 (1979)).

⁹ Note: When Plaintiff and other pre-trial detainees assert their right to not have their 4th Amendment rights violated; Defendant Doe's then punish them and force them into administrative segregation.

1 well as other pre-trial detainees.

2 47. Defendant Doe's particular conditions and restrictions imposed on Plaintiff as well as
3 other pre-trial detainees is not reasonably related to a legitimate prison objective under the
4 specific facts of this lawsuit; hence it constitutes unlawful 'punishment'.

5 48. Since Plaintiff began asserting his 4th, 5th, 6th, 8th, 13th and 14th amendment rights to be
6 secure in his person, papers and effects, Plaintiff has been repeatedly punished with being
7 placed in "the hole", widespread repetitive strip search and body cavity search attempts;
8 and refusal to grant Plaintiff confidential attorney meetings with stand-by counsel at
9 NSDC facility.

10 49. Doe Defendants have refused to allow Plaintiff the ability to speak over the phone with
11 attorneys, legal representatives or otherwise paralegals, in confidence or on
12 secured/unrecorded lines; or to meet with his legal stand-by counsel in private, (absent
13 being punished by Defendants for so doing).

14 50. Defendant's acts and omissions are the direct and proximate cause of Plaintiff's physical,
15 emotional and constitutional injuries.

16 51. Plaintiff seeks monetary damages, both jointly and severally against Defendant Doe's for
17 CoreCivic and Defendant Doe for USMS in the amount of \$5,000,000.00

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19 COUNT III.

20 Bivens Claim

21 Deprivation of Plaintiff's Fourth Amendment Rights

22 Unreasonable Search and Seizure

23 (Plaintiff v. Doe Defendants in their individual capacity)

24 52. Plaintiff hereby incorporates Paragraphs 1 through 51 and restates the same herein.

25 53. Defendant Does are sued in their individual capacities.

26 54. At all relevant times herein, Plaintiff had and continues to have a constitutional right to be
27 secure in his person, papers and effects and not to be unreasonably searched as a pre-trial
detainee who is presumed innocent until he is proven guilty; further, Plaintiff's rights to
28 due process, assistance of counsel, access to the courts; and not to be committed to slavery,

absent a criminal conviction on serious felony charges were established prior to Plaintiff being taken into custody of the USMS.

55. Defendant Doe's violated Plaintiff's fourth amendment rights secured by the United States Constitution when they unlawfully strip/cavity searched him; then punished him for his refusal after submitting to the unlawful searches throughout all times relevant.

56. The acts and omissions by Defendant Does are the direct and proximate cause of Plaintiff's physical, emotional, and constitutional injuries.

57. Plaintiff seeks money damages both jointly and severally against Defendant Does for CoreCivic and Defendant Does for USMS in the amount of \$5,000,000.00

COUNT IV
State Law Claim
Assault and Battery
(Plaintiff v. Doe Defendants)

58. Plaintiff hereby incorporates Paragraphs 1 through 57, and restates the same as if fully set forth herein.

59. Defendant Does' are sued in their individual capacity.

60. At all relevant times herein, Defendant Does intentionally grabbed, pulled on, pushed and otherwise committed volitional acts that resulted in harmful and offensive contact with Plaintiff on unknown dates between December 2016 and April 18, 2017. Indeed, Plaintiff was subject to oppressive and intrusive strip searches and body cavity searches under duress and without his consent in over forty instances and actively counting.

61. Defendant Does' intended to cause harmful offensive contact to Plaintiff in the furtherance of their scheme to retaliate against and repetitively violate Plaintiff's privacy, dignity and bodily integrity when Doe Defendants grabbed, pulled on, pushed him around and otherwise placed their hands on Plaintiff and restrained him without his consent and no legal or penal justification. (when Plaintiff had done nothing wrong)

62. Further, Defendant Does' also committed excessive force by intentionally forcing Plaintiff into disciplinary segregation with no constitutional justification for so doing; in retaliation

1 for asserting his constitutional rights to privacy, dignity and bodily integrity after being
2 repetitively assaulted by multiple Defendant Does on many occasions between December
3 1, 2016 and April 18, 2017.

4 63. At all relevant times herein, the acts and omissions by Defendant Does were the direct and
5 proximate cause of Plaintiff's physical, emotional and constitutional injuries.

6 64. Plaintiff seeks monetary damages both jointly and severally against Defendant Does' in
7 the amount of \$5,000,000.00

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9 COUNT V

10 Bivens Claim

11 Conspiracy to Deprive Plaintiff's Civil Rights

12 Title 42 Section 1985(3)

13 (Plaintiff v. Doe Defendants (CoreCivic) & Doe Defendant(USMS))

14 65. Plaintiff hereby incorporates Paragraphs 1 through 64, and restates the same as if fully set
forth herein.

15 66. Plaintiff sues Defendant Does' in their individual capacity.

16 67. At all relevant time herein, Defendant Does' acted under the color of federal law.

17 68. In the timeframe of December 2016 to January 2017, CoreCivic (Doe Defendants possibly
18 last name is Nijarian, stated to Plaintiff Bundy that "yes we will deprive you of your
attorney visits") and other CoreCivic (Doe Defendants) and USMS Doe Defendant
19 possibly last name is Carter and Runkles) engaged in a discussion about punishing Plaintiff
20 and other pre-trial detainees located in the NSDC facility.

21 69. The extent of Defendant Does discussion considered how they would demoralize,
22 humiliate, belittle and make a mockery of Plaintiff and others associated with the instant
23 and associated pending criminal case by punishing Plaintiff with excessive and
24 unreasonable strip search and body cavity searches; by punishing Plaintiff with locking
him in the hole for eventual refusal to submit to the unconstitutional punishment of strip
25 search and body cavity searches; by deterring and constructively blocking legal counsel
26 from getting into the facility, taking away Plaintiff's legal papers and effects, locking him
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1 into disciplinary segregation with [no] opportunity for meaningful exercise for over 100
2 days in total and approximately 35-40 days continuous at present; and not providing a
3 working toilet with toil paper inside “the hole”;
4 70. Defendants Does’ had a meeting of the minds at the direction of Defendant Doe (possibly
5 named Agent Carter or Carper) from the USMS: that they would constructively force
6 Plaintiff and others into violation of prison rules and regulations by punishing them with
7 multitudes and repetitive daily strip searches and body cavity searches.
8 71. Defendants knew that the punishment would cause Plaintiff and others to feel humiliated,
9 belittled and demoralized; and subsequently Plaintiff and other pretrial detainees would
10 refuse the unreasonable searches that would trigger further punishment (in the form of
11 forcing Plaintiff and others into disciplinary segregation.)
12 72. Defendants took a substantial step in the furtherance of the conspiracy to deprive Plaintiff
13 of his constitutional rights to privacy, his dignity and bodily integrity and his access to the
14 courts; by the act of enforcing and directing numerous other Doe Defendants to punish
15 Plaintiff and others with the nonsensical, unreasonable and ultimately constitutionally
16 unlawful strip searches and body cavity searches.
17 73. Defendants conspiracy was and continues to be a driving force in the deprivation of
18 Plaintiff’s constitutionally protected constitutional rights; which was and continues to be
19 the direct and proximate cause of Plaintiff’s physical, emotional and constitutional injuries
20 previously and moving forward.
21 74. Plaintiff seeks damages against Defendant Does’ both jointly and severally in the amount
22 of \$5,000,000.00
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24 **COUNT VI**

25 **Unconstitutional Policy**

26 First, Fourth, Fifth, Sixth, Eighth and Fourteenth Amendment Violations
(Plaintiff v. CoreCivic, Charlotte Collins, United States of America, Inc.)

27 75. Plaintiff hereby incorporates Paragraphs 1 through 74, and restates the same as if fully set
28 forth herein.

- 1 76. Defendant Warden Charlotte Collins (hereinafter "Warden" or "Collins" or "Defendant" or
2 "CoreCivic") is the chief policy maker at all relevant times herein for CoreCivic at the
3 NSDC facility. Collins is sued in her official capacity.
- 4 77. The Director of the United States Marshal Services (hereinafter "USMS") is the chief
5 policy maker at all relevant times herein for USMS located at the Las Vegas, Division.
6 USMS is sued in his/her official capacity.
- 7 78. Plaintiff had a clear right to be free from punishment in disciplinary segregation as a pre-
8 trial detainee; not be retaliated against for asserting his constitutional rights; to be able to
9 have private unfettered communication with his stand-by counsel; regular/private attorney
10 visits; be secure in his legal papers and effects; have working toilets and toilet paper; have
11 pencils and paper and his legal documents; and to not be assaulted battered and have
12 excessive force committed upon him.
- 13 79. Defendants Collins and USMS have ratified and employed an unconstitutional policy to
14 strip search and body cavity search all pre-trial detainees based on attorney visits; before
15 and after court appearances; arbitrarily with no reasonable suspicion that a crime or rule or
16 regulation has been violated in violation of a pre-trial detainees fourth, fifth, sixth, eighth
17 and fourteenth amendment constitutional rights to be free from unreasonable searches
18 absent probable cause, a warrant from a competent judge or exigent circumstances; and in
19 violation of each pre-trial detainees presumption of innocence and unequivocal right to not
20 be punished before convicted; and his right to not be enslaved prior to a conviction; absent
21 reasonable accommodations to bail.
- 22 80. Defendants unconstitutional policy is arbitrary, capricious and without a legitimate prison
23 objective.
- 24 81. No rational connection exists between Defendants use of strip search/body cavity search
25 and the legitimate governmental interest of ensuring safety under the well plead facts of
26 Plaintiff's complaint to justify the conduct.
- 27 82. Plaintiff and others have no alternative means of exercising their first, fourth, fifth, eighth
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- 1 and fourteenth amendment right without being punished and thrown. ("in the hole")
- 2 83. The impact of accommodating Plaintiff's and others constitutional rights *supra* will not
- 3 have a significant negative impact on Defendant Does', other inmates and the allocation of
- 4 prison resources.
- 5 84. Absent reasonable suspicion to enforce highly intrusive strip searches and body cavity
- 6 searches, Defendants have the ability to do pat-down searches and utilize tools such as
- 7 metal detectors which are presently employed at NSDC's prison facility; as well as
- 8 perform video surveillance on Plaintiff.
- 9 85. Defendant's Policy is an exaggerated response to NSDC's pretextual and nonsensical
- 10 concerns under the facts of this case.
- 11 86. Neither CoreCivic or the United States of America, Inc. have credible documentation
- 12 where either 1) dangerous objects were discovered as a result of strip/body cavity search
- 13 before/after attorney visits or court appearances; or 2) that Doe Defendants were injured as
- 14 a result of not strip/body cavity searching pre-trial detainees immediately before and after
- 15 attorney visits or court appearances; hence, any purported safety or security pretext is
- 16 grossly over exaggerated and not reasonable.
- 17 87. At all relevant times, the law regarding the first, fourth, fifth, sixth, eighth and fourteenth
- 18 amendment rights of pre-trial detainees as it relates to unreasonable and highly intrusive
- 19 strip searches and body cavity searches (punishment) was clearly established.
- 20 88. Defendants knew, or should have known that their policies would violate the rights of
- 21 Plaintiff and other pre-trial detainees.
- 22 89. Defendants knew or should of known Plaintiff Bundy's and others constitutional rights
- 23 were being violated because they were put on affirmative notice of their unconstitutional
- 24 usages, practices, customs and unwritten policies as stated *supra* when multitudes of
- 25 similar lawsuits and complaints were filed against CoreCivic and the United States of
- 26 America, Inc. alleging the same conduct Plaintiff complains of in the instant complaint.
- 27 90. Defendants' unconstitutional policy is willful, intentional, reckless and deliberately
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indifferent to the applicable constitutional rights of Plaintiff and others similarly situated.

91. Defendants' unconstitutional policy *supra* is the direct and proximate cause of Plaintiff's physical, emotional and constitutional injuries.

92. Plaintiff seeks both joint and several damages in the amount of \$5,000,000.00 against CoreCivic and the United States of America, Inc.

COUNT VII

Bivens Claim

Deprivation of Plaintiff's Fourth, Fifth, Eighth and Fourteenth Amendment Retaliation

(Plaintiff v. Doe Defendants(CivicCORE, USMS))

93. Plaintiff hereby incorporates Paragraphs 1 through 92, and restates the same as if fully set forth herein.

94. Plaintiff sues Defendant Does' in their individual capacities.

95. Plaintiff had clearly established fourth, fifth, sixth, eighth and fourteenth amendment rights.

96. Defendant Does' retaliated against Plaintiff for asserting his first, fourth, fifth, sixth, eighth and fourteenth rights.

97. Defendant Does retaliation was the moving force that directly and proximately caused Plaintiff's physical, emotional, physical and constitutional injuries.

98. Plaintiff seeks damages both jointly and severally in the amount of \$5,000,000.00 against Defendant Does' (CoreCivic) and Defendant Does '(USMS).

COUNT VIII

Pursuant to 28 U.S.C. § 2201

Declaratory and Injunctive Relief

(Plaintiff v. Doe Defendants, CoreCivic, USMS, United States, Inc.)

99. Plaintiff hereby incorporates Paragraphs 1 through 98, and restates the same as if fully set forth herein.

1 100. At all relevant times herein, Plaintiff and those similarly situated are under electronic
 2 surveillance, personally watched by Doe Defendants or otherwise being physically handled
 3 by and in the physical presence of officers of the court¹⁰ at NSDC during attorney visits.

4 101. At all relevant times herein, Defendant Does had no reasonable suspicion much less
 5 probable cause that Plaintiff and others similarly situated possessed any weapons or
 6 contraband when conducting oppressive strip/body cavity searches on Plaintiff and those
 7 similarly situated.

8 102. Plaintiff has consistently refused for the previous 30+ days(and counting)
 9 consecutively to comply with Defendants unlawful strip search/body cavity searches.

10 103. Defendants knew Plaintiff and others would refuse and continue to refuse to
 11 comply with Defendants acts and omissions; which violated Bundy's and others privacy
 12 and dignity absent reasonable suspicion and and/or a [l]egitimate prison
 13 objective.(emphasis added)

14 104. Defendants acts and omissions were committed willfully, intentionally and with
 15 deliberate indifference for the constitutional rights of Plaintiff and others.

16 105. Defendants leverage this intrusive and violation[al] conduct against Plaintiff and
 17 others to purposefully cause pre-trial detainees to cancel¹¹ legal visits by respective
 18 attorneys or legal representatives.

19 106. There is a realistic threat and probability that Plaintiff will be unreasonably be
 20 forced into "the hole" again or otherwise remain there until trial; and also that he will
 21 currently "unreasonably" remain in disciplinary segregation("the hole") and continue to be
 22 subjected to the same constitutional injuries caused directly by the conduct of Defendants
 23 and/or agents on their behalf.

24 107. CoreCivic Doe Defendants always unreasonably strip/body cavity search pre-trial

26 ¹⁰ Lawyers representing Plaintiff and others similarly situated have a presumption that they are acting lawfully during
 27 their attorney visits with pre-trial detainees.

28 ¹¹ The unreasonable searches are so oppressive that pre-trial detainees purposefully tell their attorneys to not come to
 29 the facility so the detainees do not have to go through the humiliating strip/body cavity search multiple times.

1 detainees based on meetings with attorneys to discuss a pre-trial detainees defense or legal
2 issues; but Plaintiff Bundy is strip/cavity searched excessively and with no legitimate law
3 enforcement purpose than other pre-trial detainees being housed at NSDC.

4 108. The USMS through and in conjunction with the Department of Justice("DOJ")
5 ordered or authorized CoreCivic Defendant Does to commit acts and omissions that violate
6 Plaintiff's rights and those of others similarly situated.

7 109. CoreCivic Doe Defendants always unreasonably strip/body cavity search pre-trial
8 detainees before and after court appearances; or otherwise before and after any transport.
9 The DOJ by and through and in conjunction with USMS ordered and authorized
10 CoreCivic Defendants to commit acts and omissions that violate Plaintiff's rights and
11 those of others similarly situated.

12 110. No legitimate pre-trial detainee objective exists for Plaintiff's and others similarly
13 situated to be inflicted with treatment that amounts to unconstitutional punishment.

14 111. Other tools and security techniques such as reasonable pat-downs and metal
15 detectors among others are available to defendants but have been abandoned as a matter of
16 policy towards Plaintiff and others similarly situated.

17 112. Plaintiff and others similarly situated have no other means of remedy to preserve
18 their dignity, bodily integrity and privacy and other constitutional rights which are being
19 violated on a daily basis; or otherwise Plaintiff is being punished for asserting his
20 constitutional rights towards the same conduct he is being oppressed with.

21 113. The acts and omissions committed by Doe Defendants constitutes "punishment"
22 for the purpose of the fifth amendment against Plaintiff and others.

23 114. Punishing Plaintiff and others similarly situated is a flagrant violation of Plaintiffs
24 due process rights which is presently repetitive and ongoing; creating irreparable harm to
25 his ability to prove innocence among other constitutional and physical injuries.

26 115. Plaintiff seeks declaratory relief that:

27 a. Defendants policy to [blanket] strip search/cavity search pre-trial detainees before

1 and after visits with attorneys is unconstitutional absent a reasonable suspicion that
 2 a pre-trial detainee committed, is committing or intends to commit a crime or
 3 violate a NSDC facility rules and regulation.

- 4 b. Defendants policy to [blanket] force pre-trial detainees into “the hole” twenty-four”
 5 hours a day without any opportunity for meaningful exercise is unconstitutional.
- 6 c. CoreCivic’s policy to treat pre-trial detainees housing and security related issues
 7 deliberately different and substantially worse than convicted prisoners is
 8 unconstitutional.
- 9 d. CoreCivic’s policy to [blanket] strip search/cavity search Plaintiff and others
 10 before and after administrative hearings after being punished for failing to allow
 11 Defendant Does to strip/body cavity search Plaintiff and others is flagrantly
 12 unconstitutional and crystalizes the rights of pre-trial detainees without an
 13 opportunity to be heard (unless the pre-trial detainee consents to further intrusive
 14 and undignified cavity searches).¹²

15 116. Plaintiff seeks injunctive relief:

- 16 a. To enjoin defendants from punishing Plaintiff and others similarly situated by strip
 17 searching/cavity searching them before/after visits with their lawyer; and
 18 before/after being accompanied to Court by Defendant Does;
- 19 b. To enjoin defendants from forcing pre-trial detainees into disciplinary
 20 segregation(“the hole”) for disallowing unlawful strip search/cavity searches
 21 conducted by Defendants Does.
- 22 c. To enjoin defendants from further punishing Plaintiff and those similarly situated
 23 by refusing to allow Plaintiff and others to have an opportunity for meaningful
 24 exercise(regardless they are unlawfully in “the hole”)
- 25 d. To enjoin defendants from conspiring with one another to violate Plaintiff’s and

26 ¹² (Restated – the pre-trial detainee must allow Defendants to violate the right that he does not consent to the
 27 violation of [and is being punished for] in order to get to the administrative hearing to preserve that same right;
 28 constructively foreclosing on the ability to maintain his/her constitutional rights and his/her rights to bodily integrity
 and privacy; and his opportunity to be heard)

others similarly situated i) their rights to access the courts - attorney visits -- attorney phone calls; ii) to be free from repetitive strip/body cavity searches of their person; and iii) seizure of legal papers and effects necessary to prepare for trial.

- e. To enjoin defendants from confiscating Plaintiff's and others similarly situated legal work product which is required and necessary to prepare for their respective defenses.
 - f. To enjoin defendants from further retaliating against Plaintiff and others similarly situated because Plaintiff filed this action.

CONCLUSION

WHEREFORE: Defendant Ryan C. Bundy prays this Court GRANT the following money damages; declaratory and injunctive relief as stated in COUNT VIII; and any other and further relief this Court deems proper and just.

- 1) COUNT I.....\$5,000,000.00
 - 2) COUNT II.....\$5,000,000.00
 - 3) COUNT III.....\$5,000,000.00
 - 4) COUNT IV.....\$5,000,000.00
 - 5) COUNT V.....\$5,000,000.00
 - 6) COUNT VI.....\$5,000,000.00
 - 7) COUNT VII.....\$5,000,000.00

DATED: April 21, 2017

RESPECTFULLY SUBMITTED,


Bundy, Ryap C.
Pro Se Plaintiff